

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

**FILED**

FEB 20 2015

Clerk, U.S. District Court  
District Of Montana  
Billings

SHANE MICHAEL SANDCRANE,

Plaintiff,

vs.

ROBERTO MARTINEZ, et al.,

Defendants.

CV 14-124-BLG-SPW

ORDER

In this action, Plaintiff Shane Sandcrane raises numerous allegations against 84 defendants. United States Magistrate Judge Carolyn Ostby entered Findings and Recommendations on January 29, 2015, in which she recommended that this Court dismiss Sandcrane's Complaint for failure to state a claim.


Pursuant to 28 U.S.C. § 636(b)(1), Sandcrane had 14 days to file written objections after Judge Ostby's Findings and Recommendations were filed. No objections were filed. When neither party objects, this Court must still review Judge Ostby's conclusions for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir.2000). After reviewing the Findings and Recommendations, this Court does not find that Judge Ostby committed clear error in her legal conclusions. However, the Court notes that on the third line on

page 12, it should read, "Sandcrane filed this action on September 15, 2014." In addition, on the fifth and sixth lines on page 12, it should read, "...his claims must have accrued on or after September 15, 2011." These changes have no impact on the Court's legal conclusions.

Accordingly, IT IS HEREBY ORDERED:

1. With the changes noted above, Judge Ostby's Findings and Recommendations (Doc. 6) are ADOPTED IN FULL.
2. Sandcrane's Complaint (Doc. 2) is DISMISSED with prejudice.
3. The Clerk of Court shall close this matter and enter judgment in favor of the Defendants pursuant to Rule 58 of the Federal Rules of Civil Procedure.
4. The Clerk of Court shall have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g).
5. The Clerk of Court shall have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

DATED this 20<sup>th</sup> day of February, 2015.

  
SUSAN P. WATTERS  
United States District Judge